IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.10723 OF 2004

Shankar Annappa Gadave ... Petitioner

V/s.

Shree Datta S.S.S. Karkhana Ltd. ... Respondent

Mr.M.S. Topkar for Petitioner
Mr.V.B. Rajure for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 1, 2005**

P.C.:

. The Labour Court has allowed filing of an additional written statement in the application (BIR) No.2 of 1987 after a period of 17 years subject to payment of costs of Rs.1,000/-. The Revisional Court under section 85 of the Bombay Industrial Relations Act has upheld this order.

2. The Petition has been filed against both these orders and a contention is raised that the additional written statement ought not to have been accepted by the Court by levying such a paltry amount as costs.

3. The Labour Court in its discretion has permitted the filing of the written statement on payment of

Rs.1,000/- as costs. This is a discretionary order and, therefore, I see no reason to interfere with the same. However, once the trial is complete and if the Petitioner succeeds in the same, the Labour Court may consider whether compensatory costs should be awarded against the Respondent-Karkhana as the trial has been grossly delayed for 17 years.

4. Petition is disposed of accordingly.